THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

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WRIT PETITION NO.8748 OF 2000

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Dated: 18.08.2005

Between:

M/s. Topaz Minerals Private Limited, Rep by its Director

Mujibur Raheman, Regd. Office at D. No. 6-3-672, Below Telsa Diagnostics, Punjagutta, Hyderabad.

..... PETITIONER

AND

1 Transmission Corporation of A.P., Limited (A.P. Transco),

rep. by its Managing Director,
Vidyut Soudha, Somajiguda,
Hyderabad and 4 others.

....RESPONDENTS

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ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of respondent Nos.1 to 4 in demanding the service line charges and development charges from the petitioner-Company, as illegal and arbitrary.

In the affidavit filed in support of the petition, it is stated that the petitioner-Company had purchased a sick unit, by name M/s. Dophin Minerals Private Limited in the

auction proceedings notified under Section 29 of the State Financial Corporation Act, 1956. Pursuant to the said purchase, the petitioner-Company approached the respondents and asked for restoration of power supply to the said unit. Then the respondents, vide Lr.No.SE/OP/MDK/ADE/Comml/F.No./D.No.32, dated 24.04.2000 demanded the petitioner-Company to pay an amount of Rs.1,06,800/- on account of service line charges and Rs.1,14,070/- towards terminal/metering arrangements apart from the development charges of Rs.3,00,000/-. The writ petition is filed mainly on the ground that the respondents have no power or authority to make such demand.

In the counter affidavit filed on behalf of respondent Nos.1 to 4, it is stated that the respondent-Board, after considering the representations of the purchasers of sick units purchased through auction from the APSFC or APIDC, issued orders vide B.P. (Op. Comm.) Ms.No.1, dated 03.04.1997 permitting the restoration of power supply to the new owners of sick units subject to certain conditions, and based on the said orders only the petitioner was demanded to pay the said charges vide letter dated 24.04.2000.

In the said B.P.Ms.No.1, dated 03.04.1997, it is clearly stated that the new owner shall pay development charges and service line charges as in the case of new loads. Inasmuch as the impugned demand is based on the orders issued vide B.P.Ms.No.1, dated 03.04.1997, it cannot be said that the respondent-Board has no authority or jurisdiction to collect the said demand amount. Further, it is also to be noticed that the orders issued by the respondent-Board under B.P.Ms.No.1, dated 03.04.1997 are not challenged in the present writ petition. In that view of the matter, it cannot be accepted that the respondents have no authority or power to make the impugned demand.

The writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

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(R. SUBHASH REDDY, J)

Date: 18.08.2005

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